

REMARKS

Claims 1, 15, 18 and 26 have been amended. New claims 28-30 have been added. Thus, claims 1, 2, 4, 6-10, 12, 14-16, 18-20, 26 and 28-30 are now pending in the present application. Support for the amendments to claims 1, 15 and 18 may be found in the specification at pages 8-10 and in the drawings. Support for new claims 28 and 29 may be found in the published US application (US 2005/0199741) at page 1, paragraph [0012]. Support for new claim 30 may be found in the published US application at page 2, paragraphs [0024] and [0028], and in original claim 9. Thus, no new matter has been added. Reconsideration and withdrawal of the present rejection in view of the comments presented herein are respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 1, 2, 4, 6-10, 12, 14-16, 18-20 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Field (US 4,465,232) in view of Rawl (US 4,848,929). However, as described below, one having ordinary skill in the art would not have sufficient information to create the presently claimed invention based on this cited combination of references. As such, no *prima facie* showing of obviousness can be established on the basis of these references.

In particular, the combination of references would not lead one having ordinary skill in the art to produce a device in which the following features recited in each of the independent claims are present:

(A) "the first layer includes an extended part that extends beyond the second layer adjacent the opening and the first layer is folded such that the extended part and the second layer overlap,"

(B) "the extended part of the first layer . . . is fixed to the pocket along its side edges and is unattached along its transverse edge," and

(C) "the extended part of the first layer provides a closure member for retaining the absorbent pad within the pocket."

Disclosure of Field

The delivery system described by Field comprises a pocket (1 or 1'), a system for attaching the pocket to a surface (pressure sensitive adhesive 5 or 5') and an absorbent pad for impregnation with a medicament or well-being enhancing composition (scent-soaked pellet or capsule 7 or 7'), wherein the pocket includes an opening (opening 8 or 8'). However, Field does not disclose that the pocket comprises a single piece construction from a flexible member folded

over itself to define first and second layers as recited in the present claims. It is clear from Figures 2 and 4, that the decorative face (2 or 2') and rear face (3 or 3') are separate layers stitched to each other at their peripheries (see column 2, lines 1 to 10).

In the device described by Field the first and second separate layers are attached to each other along part of their peripheries and unattached along other parts of their peripheries (the dotted line which represents stitching shows this in Figures 1 and 3). The unattached parts provide the opening for receiving and removing the absorbent member. Although the figures of Field appear to show that the first layer includes an extended part that extends beyond the second layer adjacent the opening; Field teaches nothing to suggest element (A) above, i.e. that the first layer is folded such that the extended part and the second layer overlap each other. Moreover, Field also contains no disclosure of element (B) above, as nothing in Field would suggest that the extended part of the first layer is fixed to the pocket along its side edges and is unattached along its transverse edge. Finally, it is clear from the arrangement in the figures that the extended member is not arranged in a manner that meets element (C) above as the device is not arranged such that the extended part of the first layer provides a closure member for retaining the absorbent pad within the pocket as presently claimed.

Disclosure of Rawl

Rawl discloses a bag-type container 10 which comprises a tube of paper sealed at the upper end 12 and lower end 14 with an adhesive composition which adheres at folds 16 or 17 to the underlying body of the container (see column 1, lines 64 to 68). However, nothing in the disclosure of Rawl would suggest any of elements (A) through (C) above.

In particular, it is clear from column 1, line 65, that Rawl discloses a "tube" of paper that is flexible and has a single piece construction. However, because the container is constructed from a tube of paper, it cannot have first and second layers wherein the first layer has an extended portion that is folded such that the extended part and the second layer overlap each other, as recited in the part of the claim identified as element (A) above. Moreover, as recited in element (B) above, the extended part of the first layer is fixed to the pocket along its side edges and is unattached along its transverse edge. In contrast, Rawl teaches a folded part 16 that is attached to the body 18 via adhesive 20 along its transverse edge and that the side edges are not attached to the body (see Fig. 3). Thus, in contrast to the presently claimed invention, which

includes element (B), Rawl provides nothing to provide attachment in the region of the side edges. Moreover, because there is no identifiable extended part, Rawl also fails to disclose the part of the claim identified as element (C) above, i.e. that the extended part of the first layer provides a closure member for retaining the absorbent pad within the pocket.

Summary of Nonobviousness

As is clear from the foregoing discussion, neither Field nor Rawl disclose any of elements (A) through (C) above. Accordingly, the combination of these two references would not be sufficient to lead one having ordinary skill in the art to produce the presently claimed invention. These features are not routine features that would be well known to those having ordinary skill in the art. As such, no *prima facie* showing of obviousness can be established on the basis of the presently cited combination of references.

Moreover, the presently claimed invention provides a number of unexpected advantages that one having ordinary skill in the art could not have been predicted based on the prior art. Because the first and second layers of the claimed invention overlap and the side edges are attached to the pocket, the pocket can be made from a single piece of material folded twice. This enables sealing to be conducted along both side edges in a single operation, so as to provides a particularly quick and simple manufacturing process. Furthermore, the pocket is arranged to securely hold the absorbent pad in the pocket while at the same time allowing relatively easy access to the user to insert and remove absorbent pads because the transverse edge of the extended part is not attached to the body of the pocket. These unexpected advantages are neither disclosed nor suggested by the cited references, either alone or in combination, and also support the nonobviousness of the present claims. Thus, Applicant submits that all of the independent claims (claims 1, 15 and 18) are patentable over the cited references. Since the remaining claims depend either directly or indirectly on these independent claims, they are also allowable.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a).

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this

application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

Applicants submit that all claims are in condition for allowance. Should there be any questions concerning this application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

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